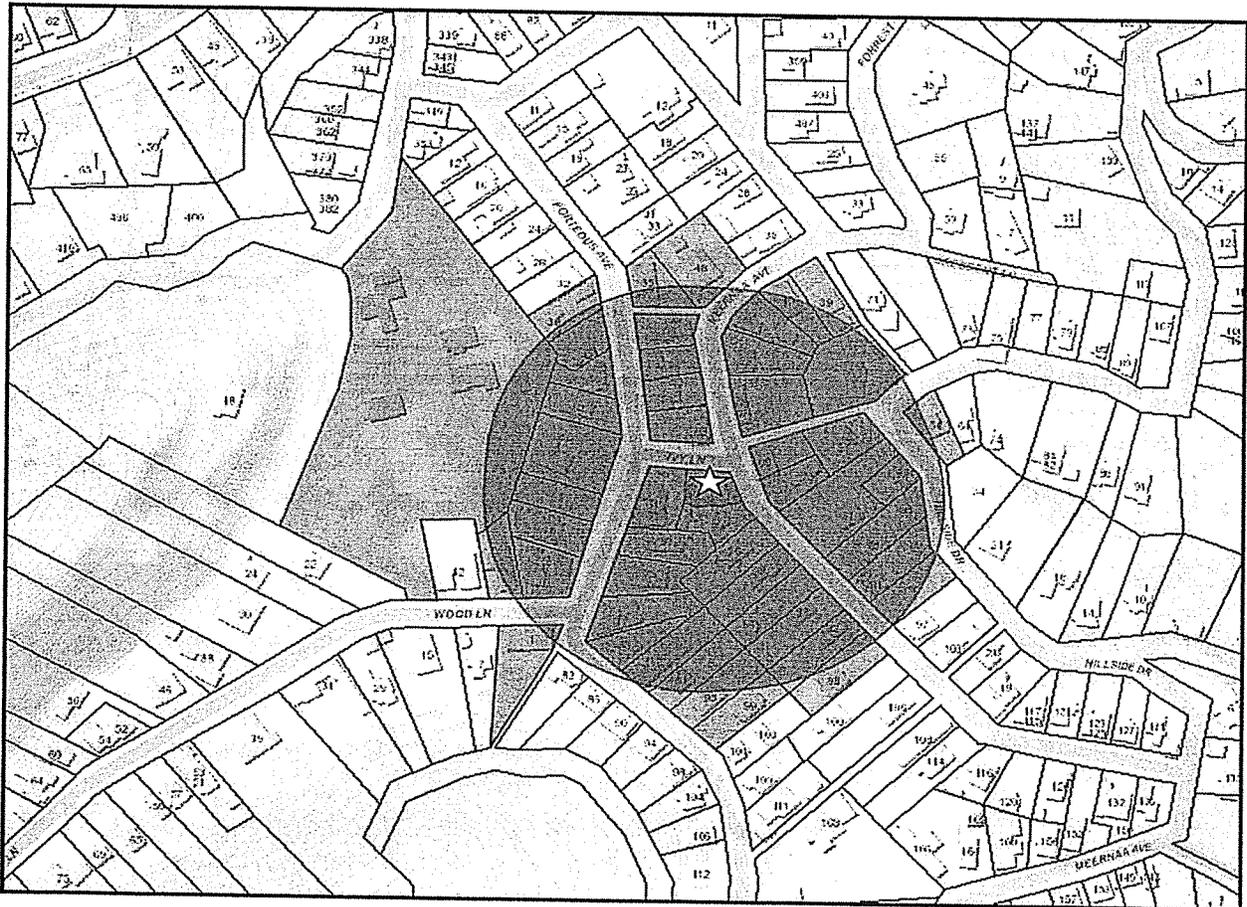


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: April 24, 2014
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 70 Meernaa Avenue; Assessor's Parcel No. 002-082-02
PROJECT: Second story addition and remodel
ACTION: Use Permit and Variances; Application # 14-12
APPLICANT: Rich Rushton, Rushton Chartock Architects
OWNER: Jeffrey Morley
CEQA STATUS: Categorically exempt, 15301(a), (e)(1) and 15305(a).



70 MEERNAA AVENUE

BACKGROUND

The 3,651 square foot site is relatively level and is developed with a 1,167 square foot residence that was built some time prior to 1947 and was extensively remodeled in 2006. The residence has an attached 1 car garage.

In 2009 a lot line adjustment was approved and recorded relocating the side property line between 70 and 74 Meernaa Avenue in order to take into account the actual use of the two properties with 70 Meernaa having certain improvements on the 74 Meernaa site.

The applicant originally proposed orienting the second story addition so that the second floor covered deck and a bay window faced the closest residences located to the south and west at 74 Meernaa Avenue and 61 Porteous Avenue. Input from staff and the neighbor, after viewing the story poles, resulted in the applicant revising the plans and reorienting the second story so the covered deck faces Ivy Lane, the windows on the south side are eliminated, and the roof has been reoriented so the peak runs east west with the ridge further away from 74 Meernaa. These changes help minimize the impact of the second story on neighboring properties (Exhibit B – e-mail from owner of 74 Meernaa Avenue prior to 3//25/14 revisions).

DISCUSSION

The proposed project encompasses the following:

- Removal of 80 square feet of storage that is currently accessed from the outside.
- Construction of a 393 square foot master bedroom, full bath and laundry closet, second story addition with a 14 square foot covered deck facing Ivy Lane.
- 15 square foot expansion of the porch on the west side of the residence.
- Conversion of the second bedroom on the first floor to office space to construct the stairway connecting the two living levels.

The property is located in the Residential RD 5.5-7 Zone which allows single-family residences on lots of 5,500 square feet or more, and duplexes on lots of 7,000 square feet or more. The site and structure comply with the RD 5.5-7 Zone regulations as follows:

	Front Setback	Rear Setback	Combined Front/rear Setback	Side Setbacks	Combined Side Setbacks	FAR	Lot Coverage	Height
Required/ Permitted	10 ft	6 ft	25ft	10 ft & 5ft	15 ft	.40	.35	28.5ft, 2 stories
Existing	6 ft	10 ft	16 ft	4.75 ft and 3.75 ft	8.5 ft	.34	.69	17 ft, 1 stories
Proposed	6 ft	10 ft	16 ft	4.75 ft and 5.75 ft	10.5 ft	.40	.64	27 ft, 2 stories

Note: The setbacks on the north and east sides of the site along the street frontages have been increased from 5 feet and 6 feet respectfully because the site is on a corner. Town Code § 17.040.020(D) requires that there be a 10 foot setback from all street frontages on corner lots.

The project requires the approval of the following discretionary permits:

Use Permit: Town Code § 17.084.050 requires that any improvement or modification of or on a site failing to meet the minimum lot size requirements must secure a use permit from the Planning Commission. The site is only 3,651 square feet in size, 1,849 square feet less than the required 5,500 square foot minimum parcel size. Therefore, the project requires the approval of a Use Permit.

The purpose of the conditional use permit process is to allow the property integration into Fairfax of uses which may be suitable only in certain locations in the Town or in a zone or only if the uses are designed or laid out on the site in a particular manner. In consideration of an application for a conditional use, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, to the physical environment of the proposed use and to all pertinent aspects of the public health, safety and welfare [Town Code §§ 17.032.010(A) and (B)].

There are many two story homes found throughout the Deer Park area where the project site is located. Residences on similar sized parcels range in size from a 1,331, square foot, 3 bedroom, 2 bath, structure on a 2,376 square foot site to a 1,816 square foot, 4 bedroom, 2 bath structure on a 5,616 square foot site. The proposed project will result in a 1,460 square foot, 2 bedroom, 2 ½ bath structure on a 3,651 square foot site. Therefore, the proposed project will not result in a residence that is out of scale with the site or with other similar developed properties in the Deer Park Subdivision.

Design Review: Town Code § 17.020.030(A) indicates that all residential projects that constitute 50% remodels must secure a design review permit from the Planning Commission. The project will result in 373 square feet of new square footage and affect over 50 % of the existing structure so the project constitutes a 50% remodel and requires design review approval.

The proposed design incorporates the craftsman style porch into the covered deck design on the second floor and the second story roof slope matches that of the existing structure. Therefore, the project will create a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.

The 1,460 square foot, 2 story, residence is not out of scale with other homes found throughout the neighborhood and the architecture has incorporated craftsman style features. Therefore, the size and design of the structure is in proportion to its building site and has a balance and unity among its external features and presents a harmonious appearance.

The neighbor at 74 Meernaa has indicated to staff that she would like the storage shed at the rear west side of the building to remain. She feels that the sheds removal and expansion of the lower porch on the west side of the site will have a significant impact on her privacy. The porch in this area will maintain a 13.5 foot side setback which exceeds the permitted 5 foot minimum by 8.5 feet and it will be partially screened by the bedroom closets which project 2.5 feet from the west façade. There is also a fence between the properties to help screen the property at 74 Meernaa Avenue and staff does not feel that the porch will have a significant negative impact on the 74 Meernaa Avenue property.

If the Commission determines that the porch in this area will significantly impact the neighbors privacy, they can include the requirement that the south side of the porch include a privacy screen or that the plans, prior to issuance of the building permit, be revised to pull the porch a specified distance further from the property line.

Combined Side Setback Variances

Town Code §§ 17.084.070(A)(1) and (A)(2) set forth the minimum and combined setbacks for the RD 5.5-7 Zone and are also included in the table above. The proposed project will not encroach any further into the required setbacks than the existing residence and the proposed removal of the storage areas at the rear, western side of the site will actually increase the non-conforming 3.75 foot side setback to a conforming 5.75 foot side setback at the southwest corner. The removal will also increase the combined side yard setback from 8.5 feet to 10.5 feet.

The purpose of the Variance process is to allow variation from the strict application of the terms of the Zoning Ordinance where, by reason of exceptional narrowness, shallowness or unusual shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary conditions of the piece of property, the literal enforcement of the requirements would involve practical difficulties or would cause undue hardship unnecessary to carry out the spirit and purpose of the zoning regulations (Town Code § 17.028.010).

In the 1970's the Town adopted new zoning regulations requiring larger parcel sizes and widths, larger setbacks and incorporating combined setbacks into their residential zone districts. This resulted in a majority of residential properties becoming non-conforming either with respect to size or setbacks and often for both. This parcel has existing legal non-forming minimum and combined setbacks and it is very substandard in size. The need for variances goes hand in hand with the parcel having such a small square footage. However, the requested combined side yard setback variance is similar to other variances that have been issued over the years throughout the Deer Park Neighborhood and the residential areas of the Town as a whole. The proposed second story addition will maintain the minimum and the combined required setbacks and at 17 feet 2 inches in height is lower in height than the 28.5 foot maximum permitted by the Code.

While increasing the Floor Area Ratio (FAR) of the property from the existing 34% to the maximum allowed 40 % the proposed project will decrease the lot coverage from the currently legal non-conforming 69% to more conforming 64% (see Town Code §§ 17.040.010 and 17.136.030).

Parking Variance: Town Code §§ 17.016.040(B)(1 and 2) and (C)(2a an 2b) indicate that no 50% remodel or additional bedrooms shall be constructed on non-conforming properties unless the off-street parking requirements are met, or a parking variance is granted by the Commission and the project does not increase any non-conformity. Although the project is not increasing the number of bedrooms, it does constitute a 50% remodel so either three parking spaces need to be provided or the Commission must grant a parking variance.

The applicant is requesting a variance of the parking regulations to have less than the required number of parking spaces for a two bedroom residence and to locate one of the two spaces in the side yard setback.

The site currently provides legal non-conforming parking with parking for only 1 car in the garage. The curbs along the property frontage on Ivy Lane and Meernaa Avenue, are painted red and don't provide the opportunity for guest parking. The applicant's propose providing a second space for the two bedroom structure, which will remain a two bedroom residence after the project, by constructing a second driveway to a space on the west side of the site. The proposed space will be located within the side yard setback and partially within the public easement.

Town Code § 17.052.010(B) prohibits the location of parking within any required side yard. The parcel is a corner lot and a second parking space is being proposed in the combined side yard setback along the Ivy Lane street frontage. The space maintains the required minimum 5 foot side setback and is 33.5 feet from 61 Porteous Avenue to the west, so it will not impact any neighboring residence. Town Code § 12.12.050 allows corner lots to have two driveways as long as they are both from separate street frontages so the second driveway is permitted. The portion of the driveway that will be

used for parking is behind the property fence and leaves adequate room in the right-of-way for installation of the public sidewalk which is being required as a condition of approval by the Public Works Department.

The project is a 50% remodel but the expansion will not increase the number of bedrooms and the project will provide two parking spaces where there currently is only one. Therefore, the parking variance to provide two spaces, instead of the required 3, with the second space in the side yard setback, should not significantly impact the neighborhood.

Other Agency Department Conditions/Comments (Exhibit

Fairfax Public Works Department

Sidewalks shall be installed along the property frontage on Meernaa Avenue and Ivy Lane in a manner subject to the approval of the Public Works Manager.

Ross Valley Fire Department

1. A fire protection system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.
2. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detector shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
3. A Vegetative Management Plan designed in accordance with Ross Valley Fire Standard 220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review.
4. Carbon monoxide alarms shall be provided.
5. Address numbers must be 4 inches tall and if not clearly visible from the street, additional numbers are required. The project is a substantial remodel so the numbers must be internally illuminated or illuminated by an adjacent light controlled by a photocell and switch off only by a breaker so it will remain illuminated all night. The numbers must be internally illuminated, placed next to a light or be reflective numbers.

Marin Municipal Water District

1. The applicant must comply with the District Code Title 13, Water Conservation, as a condition of water service.
2. Should backflow protection be requirement it shall be installed prior to the project final inspection.

Sanitary District

1. A new sewer connection will be required for the residence since it involves extensive demotion and rebuild. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirements of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. The cost will be based on the number of fixtures. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

Fairfax Police and Building Departments

The Fairfax Police Department and the Building Department had no comments on the project.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to approve Application # 14-12 based on the following findings and subject to the following conditions:

Recommended Findings

Use Permit

1. The neighborhood includes many two story residences including some that are larger than the one being proposed on smaller parcels and the project will not result in a FAR that exceeds the permitted 40%. Therefore, the approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.
2. The project has been redesigned eliminating the windows from the south side and relocating the second floor deck to the north side fronting on Ivy Lane. The

project also does not encroach any further into required setbacks than the existing house, it increases the minimum south side setback and combined side setback and does not exceed the height limit. Therefore, the development and use of property as approved under the use permit shall not cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, or any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

3. Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained in the Zoning Ordinance.
4. Approval of the use permit increase the setbacks, decreases the lot coverage and increases the number of on-site parking spaces for the two bedroom residence. Therefore, the approval of the use permit will result in equal or better development of the premises than would otherwise be the case, and that said approval is in the public interest and for the protection or enhancement of the general health, safety or welfare of the community.

Variance Findings

1. The parcel is very small and irregularly shaped. The size and shape are the special circumstances applicable to the property that result in the strict application of the setback regulations depriving the applicant of the ability to improve and to construction a minor expansion of the residence, privileges enjoyed by other property owners in the vicinity and under identical zone classification.
2. Similar setback variances have been approved for other properties in the Deer Park neighborhood. Therefore, the variance or adjustment will not constitute a grant of special privilege, is consistent with the limitations upon other properties in the vicinity and under identical zone classification, and is consistent with the objectives of this title.
3. The strict application of the setback regulations will prohibit the applicants from expanding the residence and will result in excessive or unreasonable hardship.
4. The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Design Review Findings

1. The architecture of the proposed addition/remodel creates a well composed design, harmoniously related to other facilities in the immediate area and to the total setting as seen from hills and other key vantage points in the community.
2. The proposed project is of a quality and character appropriate to, and serving to protect the value of, private and public investments in the immediate area.
3. Sufficient variety exists in the design of the structure to avoid monotony in external appearance.
4. The 1,451 square foot, 2 story, residence is not out of scale with other homes found throughout the neighborhood and the architecture has incorporated craftsman style features. Therefore, the size of the structure is in proportion to its building site and the design has a balance and unity among its external features so as to present a harmonious appearance.
5. The structure will be similar to the general character of other structures in vicinity.

Parking Variance Findings

1. The project will not increase the number of bedrooms in the residence or significantly increase the square footage such that a significant increase in the number of people residing there would be expected to occur. Therefore, neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of parking requirements.
2. Granting of the variance will not result in the parking or loading of vehicles on public streets in a manner as to interfere with the free flow of traffic on Ivy or Meernaa.
3. Granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Recommended Conditions

Planning Conditions:

1. The second parking space must be constructed at the beginning of the project and be completed before the applicant calls for a framing inspection.
2. This approval is limited to the development illustrated on the plans prepared by Rich Rushton revised 3/28/13, pages A1.1, A2.1, A4.1 A7.1 and A7.2.

3. Prior to issuance of a building permit the applicant or his assigns shall:
 - a. Submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - Construction delivery routes approved by the Department of Public Works.
 - Construction schedule (deliveries, worker hours, etc.)
 - Notification to area residents
 - Emergency access routes
 - b. The applicant shall prepare, and file with the Public Works Director, a video tape of the roadway conditions on the construction delivery routes (routes must be approved by Public Works Director).
 - c. Submit a bond or letter of credit to the Town in an amount that will cover the cost of grading, weatherization and repair of possible roadway damage. The applicant shall submit contractor's estimates for any grading, site weatherization and improvement plans for approval by the Town Engineer. Upon approval of the contract costs, the applicant shall submit a bond or letter of credit equaling 100% of the estimated construction costs.
 - d. The foundation and retaining elements shall be designed by a structural engineer certified as such in the state of California. Plans and calculations of the foundation and retaining elements shall be stamped and signed by the structural engineer and submitted to the satisfaction of the Town Engineer.
 - e. The grading, foundation, retaining, and drainage elements shall also be stamped and signed by the site geotechnical engineer as conforming to the recommendations made by the project engineer.
 - f. Prior to submittal of the building permit plans the applicant shall secure written approval from the Ross Valley Fire Authority noting the developments conformance with their recommendations.
 - g. Submit three copies of the recorded record of survey with the building permit submittal.
4. During the construction process the following shall be required:
 - a. The project engineer shall be on-site during the grading process (if there is any grading to be done) and shall submit written certification to the

Town staff that the grading has been completed as recommended prior to installation of foundation and retaining forms and piers.

- b. Prior to any concrete form inspection by the building official, the structural engineer shall field check the forms of the foundations and provide written certification to the Town staff that the work to this point has been completed in conformance with their recommendations and the approved building plans.
 - c. The building official shall field check the concrete forms prior to the pour.
 - d. All construction related vehicles including equipment delivery, cement trucks and construction materials shall be situated off the travel lane of the adjacent public right(s)-of-way at all times. This condition may be waived by the building official on a case by case basis with prior notification from the project sponsor.
 - e. Additionally, any proposed temporary closure of a public right-of-way shall require prior approval by the Fairfax Police Department and any necessary traffic control, signage or public notification shall be the responsibility of the applicant or his/her assigns. Any violation of this provision will result in a stop work order being placed on the property and issuance of a citation.
5. Prior to issuance of an occupancy permit the following shall be completed:
- a. The project engineer shall field check the completed project and submit written certification to the Town Staff that the foundation elements have been installed in conformance with the approved building plans.
 - b. The Planning Department shall field check the completed project to verify that the construction reflects the design approved by the Planning Commission and to verify that all design review and planning commission conditions have been complied with including , if applicable, installation of landscaping and irrigation.
6. The roadways shall be kept clean and the site free of dust by watering down the site if necessary. The roadways shall be kept free of dust, gravel and other construction materials by sweeping the roadway, daily, if necessary.
7. During construction developer and all employees, contractor's and subcontractor's must comply with all requirements set forth in Ordinance # 637 (Chapter 8.26 of the Town Code), "Storm Water Management and Discharge Control Program."

8. Notwithstanding section # 17.38.050(A) of the Fairfax Zoning Ordinance, **any** changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 14-12. **Any** construction based on job plans that have been altered without the benefit of an approved modification Use Permit 14-12 will result in the job being immediately stopped and red tagged.
9. Any damages to Ivy Lane or Meernaa Avenue resulting from construction activities shall be the responsibility of the property owner. The owner or contractor shall videotape or otherwise document as approved by the Public Works Director the existing condition of the roads in the vicinity of the site prior to starting construction of the residence. Road closures, if necessary, shall be coordinated with the Fairfax Police Department and the Ross Valley Fire Department.
10. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, Design Review Board or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the Indemnitees, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnitees. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

Ross Valley Fire Department Conditions:

1. A fire protection system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and/or design-build sprinkler systems.

2. All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detector shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.
3. A Vegetative Management Plan designed in accordance with Ross Valley Fire Standard 220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review.
4. Carbon monoxide alarms shall be provided.
5. Address numbers must be 4 inches tall and if not clearly visible from the street, additional numbers are required. The project is a substantial remodel so the numbers must be internally illuminated or illuminated by an adjacent light controlled by a photocell and switch off only by a breaker so it will remain illuminated all night. The numbers must be internally illuminated, placed next to a light or be reflective numbers.

Marin Municipal Water District

1. The applicant must comply with the District Code Title 13, Water Conservation, as a condition of water service.
2. Should backflow protection be requirement it shall be installed prior to the project final inspection.

Sanitary District

1. A new sewer connection will be required for the residence since it involves extensive demolition and rebuild. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirements of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements. The cost will be based on the number of fixtures.
2. Occupancy will not be approved until District's permit and sewer requirements are fulfilled.

Miscellaneous Conditions

1. The applicant must comply with any all conditions listed above unless a specific agency waives their conditions in a written letter to the Department of Planning and Building Services.

2. Planning Conditions acted upon by the Planning Commission may only be waived by the Commission at a future public hearing.

ATTACHMENTS

- Exhibit A – Applicant's supplemental information
- Exhibit B – 3/11/14 e-mail from neighbor at 74 Meerna Avenue
- Exhibit C – Other Agency/Department conditions/comments

PROJECT DESCRIPTION: _____

Addition of Second story

GENERAL INFORMATION (if applicable):

Item	Existing	Proposed
Lot size	3651	3651
Size of structure(s) or commercial space (square feet)		
Height and No. of stories	17'-0" 1	27'-2" 2
Lot coverage	66.53%	69.26%
No. of dwellings units	1	1
Parking ¹ No. of spaces	1	2
Size of spaces	9x19	9x19

Amount of proposed excavation and fill	Excavation = N/A	Fill = N/A
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Estimated cost of construction \$ 170k

Lot Coverage is defined as the land area covered by all buildings and improvements with a finished height above grade and all impervious surfaces except driveways.

¹Minimum parking dimensions are 9' wide by 19' long by 7' high. Do not count parking spaces that do not meet the minimum standards.

Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they? NO

[Signature]
Signature of Property Owner

1/9/14

Date

[Signature]
Signature of Applicant

1/8/14

Date

Planning Department staff is available by appointment between 8:30 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. Monday through Thursday at 142 Bolinas Road, Fairfax, CA. (415) 453-1584

FLOOR AREA RATIO (FAR) AND LOT COVERAGE STATISTICS

The following information will be used to verify application FAR and lot coverage amounts.
Applications will not be considered complete until the following table is complete.

	Existing	Proposed
3651		
Footprint square footage for all structures		
Living space square footage	1167	1460
First floor	1167 - 80sf	1087
Second floor	N/A	393
Third floor	N/A	N/A
Total		1480
Accessory structure square footages		
Sheds	110	0
Pool houses	N/A	N/A
Studios/offices	N/A	N/A
Second units	N/A	N/A
Miscellaneous (specify use)	N/A	N/A
Total		
Square footage of impervious surfaces		
Walkways	862	862
Patios	148	148
Impervious decks	N/A	N/A
Miscellaneous (specify use)	N/A	N/A
Total		
Garage/carport square footages (specify type)	252	252

* All square footage measurements must be the sum of all interior floor area measured from the exterior faces of the exterior walls for structures (Town Code § 17.008.020).

FLOOR AREA: Fairfax Town Code § 17.008.020, Definitions, defines "floor area" as the sum of all interior floor area measured from the exterior faces of the exterior walls. The "floor area" of any accessory structures on the same lot shall be included. The "floor area" of any garage in excess of 500sf in size for single-family residences and 800sf in size for duplexes shall also be included.

LOT COVERAGE: Fairfax Town Code § 17.008.020, Definitions, defines "lot coverage" as the percentage of the lot area that is occupied by the ground area of a building, any accessory building(s), as well as any impervious surface areas such as patios (other than driveways) adjacent to the building or accessory structure.

The final disposition of each use permit shall be in accordance with the facts of the particular case, and such facts must support the following determinations and findings before a use permit may be approved. Indicate how the findings below can be made:

- The approval of the use permit shall not constitute a grant of special privilege and shall not contravene the doctrines of equity and equal treatment.

Residential use with parking is typical. Other neighboring development provides parking in a similar manner.

- The development and use of property, as approved under the use permit, shall not create a public nuisance, cause excessive or unreasonable detriment to adjoining properties or premises, or cause adverse physical or economic effects thereto, or create undue or excessive burdens in the use and enjoyment thereof, any or all of which effects are substantially beyond that which might occur without approval or issuance of the use permit.

The additional parking space requested occurs in an area previously used for that purpose. This parking use would not change the existing aesthetic from the street nor would it change the current use outside of the fence line.

- Approval of the use permit is not contrary to those objectives, goals or standards pertinent to the particular case and contained or set forth in any master plan, development plan or other plan or policy, officially adopted by the town.

Additional parking would be provided without changing the existing public aesthetics or use.

SUPPLEMENTAL QUESTIONNAIRE & DRB APPLICABILITY

DESIGN REVIEW

For Commercial, Planned Developments, Hillside Residential and Multiple Family Design Review: (Include brand and number for all finish and/or paint colors.)

1. Exterior finish: 6" wood siding - match existing
2. Proposed exterior wall color(s): off white/cream - match existing
3. Proposed exterior trim color: white - match existing
4. Proposed exterior window color: white - match existing
5. Proposed roof material and color: gray shingle - match existing
6. Special features: none
7. Lot Coverage: 67.25%
8. Number of existing parking spaces and their sizes: 1 - 9x18.
9. Number of proposed parking spaces and their sizes: 2 - 9x18.

DESIGN REVIEW APPLICABILITY

1. Hillside Design Review (in a ridge line)

All new dwellings located on hillside properties and all additions on properties located in a ridgeline scenic corridor (which include deck and stairway structures) shall require design review.

Additions and accessory structures may be exempt from design review where the applicant demonstrates, through the use of story poles, plans and photo montages, that an accessory structure or addition will have no impact on significant view corridors due to the proposed location of the structure in relation to existing improvements. Project exemption shall be determined by the Fairfax Planning Director.

2. Multiple family Design Review

Multiple family residential units of three (3) or more and additions to structures located in the Multiple Family RM Zone.

3. 50% remodels of additions to residential properties

Linda Neal

From: Fragoso, Norma [Norma.Fragoso@ssf.net]
Sent: Tuesday, March 11, 2014 3:14 PM
To: Linda Neal; Jim Moore
Cc: Fragoso, Norma
Subject: 70 Meernaa Avenue, Application #14-12

Dear Ms. Neal:

I am writing to inform the Town and Planning Commission that **I am shocked and appalled at the proposed expansion next door to my residence.** I will attend the Planning Commission meeting scheduled for March 20 in order to personally express my dismay and opposition to the design being presented by Mr. Morley. First of all, I thought the Town required applicants to discuss extreme design changes of this nature with immediate neighbors. Mr. Morley did not contact me until March 6, leaving a phone message but we have not yet been able to talk.

Essentially, I need to record the following objections, briefly so that staff can provide some correspondence with the Commission's report for this proposal:

- I need to have some clarification regarding **height limits and exact square footage of the expansion proposed**, to ensure that applicable codes are being met.
- I will appreciate clarification regarding what variances are being requested.
- I understand a new parking space is required in order to approve the addition of another bedroom; but **I do not believe the proposed parking space meets the size requirements or the turn out radius** as it appears that the car must back out into the right of way, which cannot meet code and is a grant of special privilege.
- I am particularly **offended by the invasive nature of the expansion.** The square footage is not as much a problem as the unchecked invasiveness into every inch of my property. This expansion and its expansive surrounding decking (right to the property line set back) and 360 degree windows leave no inch of my property that is not visible to Mr. Morley; kitchen, bedroom, living room, shed and deck, and in particular my hot tub. His decking and bay window (sitting directly above my hot tub) feel oppressive. He could literally hand me a towel from his deck or window as I step out of my hot tub. It is difficult enough with his bedroom window looking directly into my hot tub, I often cannot use it because he and his partner are often in that room.
- I request that commissioners go onto my property to see for yourselves just how close his deck would be to my entire property. I further encourage you to go into his bedroom to see for yourselves how close it is and the direct sight onto my hot tub.

I respectfully request **that if this application is not denied, an extension be granted** so that Mr. Morley can discuss the design with his neighbors and reach an acceptable manner in which to accomplish his obvious desire for a third bedroom, without oppressing adjacent property owners, without eliminating all sense of privacy in his neighbors houses.

For example:

- There should be **no windows added on the southern elevation** which faces the entirety of my property. By the way, his house was built recently whereas mine has been there since the 1930's.
- There should be **no deck surrounding his second floor expansion**, that is the most offensive feature of all, which completely eliminates every inch of semi-private space on my entire property. I see no need

for him to have a birdseye view of the entire area surrounding his house. His vistas from his existing deck are quite sufficient to see the creek and all the surrounding neighbors, without directly gazing into our most private spaces/places.

- **The laundry room at the rear of the west elevation is the only part of his house that provides some level of screening for me, at this time...** that is exactly what he proposes to eliminate, thus opening his vistas off both his decks directly into my living room and the only semi-private space (out of his direct site) to my property along the creek.
- **I do not believe the story poles clearly indicate the full expansion being proposed and I would greatly appreciate confirmation of this point.**

I beg the Commissioners to deny this application. If not, at a minimum, extend this review, so that a neighbor friendly design can be sought to try to meet his needs **without denying me** the enjoyment of my own property.

Thank-you very much for your consideration and careful review of the full impact of this proposed expansion.
Very truly yours,

Norma Fragoso
74 Meernaa Avenue
415-454-7837 home
415-225-7822 cell
Norma.Fragoso@ssf.net

Norma Fragoso
City of South San Francisco
Redevelopment Manager
650-829-6620

**TOWN OF FAIRFAX
DEPARTMENT OF PLANNING AND BUILDING SERVICES**

142 Bolinas Road, Fairfax, California 94930
Phone (415) 453-1584 FAX (415) 453-1618

LETTER OF TRANSMITTAL

From: Fairfax Planning And Building Services Department

Date: January 17, 2014

To: Town Engineer Fairfax Police Dept. Marin County Open Space Dist.
 Town Attorney Sanitary Dist. 1 Other – Building Official
 MMWD Public Works Dept.
 Ross Valley Fire Marin County Health Dept.

Address and Parcel No: 70 Meernaa Avenue; Assessor's Parcel No. 002-082-02

Project: construction of a 393 square foot, second story, master bedroom and bathroom and laundry closet addition to a 1,167 square foot residence.

These plans are being transmitted for review prior to public hearings on discretionary permits before the Fairfax Design Review Board and Planning Commission. Please provide your comments on the completeness and adequacy of the submittal for your agencies reviewing purposes within 10 days.

1	1/8/14	Preliminary development plans

REMARKS: ~~NO COMMENTS AT THIS TIME~~
SIDEWALKS ON MEENAA AND IVY MUST BE CONSTRUCTED.

Please respond by February 5, 2013.

If you have any questions please contact: Linda Neal, Senior Planner at (415) 453-1584

*BUILDING OFFICIAL/
PUBLIC
WORKS
MANAGER*

EXHIBIT # C



Ross Valley Fire Department
777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: 70 Meernaa Ave
ADDRESS: 70 Meernaa Ave
Fairfax, CA

Page: 1 of 3
Date: 03/08/2013
Reviewed by: Ruben Martin
(415) 258-4673

TYPE OF REVIEW: PLANNING

E-mail: Rmartin@rossvalleyfire.org

Plnng. Dept. 01/16/14 Fire Dept. # 14-0019

Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

Applicant*: FAIRFAX PLANNING
Address:

**Applicant is responsible for distributing these Plan Review comments to the Design Team.*

Occupancy Class: R-3	Fire Flow Req: 1000 GPM	Sprinklers Required: YES
Type of Construction: V-B	On-site Hyd. Req: NO	Fire Alarm Required: NO
Bldg Area: 1460sqft: (after remodel + addition)	Turn-Around Req: NO	Permits Required: Sprinkler
Stories: 2+ (proposed)	Fire Flow Test Required: NO	
Height: +ft.	Wildland Urban Interface: YES	

The project listed above has been reviewed and determined to be:

- () APPROVED (no modifications required)
- (X) APPROVED AS NOTED (minor modifications required - review attached comments)
- () NOT APPROVED (revise per attached comments and resubmit)
- () INCOMPLETE (provide additional information per attached comments and resubmit)

and make corrections and/or add notes as required. Changes and/or additions shall be clouded and referenced by date on a legend. Approval of this plan does not approve any omission or deviation from the applicable regulations. Final approval is subject to field inspection. Approved plans shall be on site and available for review at all times.

ROSS VALLEY FIRE DEPT.

REVIEWED

DATE: 1-28-14

Inspections required:

- () Access/Water Supply prior to delivery of combustibles
- (X) Defensible Space/Vegetation Management Plan
- (X) Sprinkler Hydro/Final
- (X) Final



Ross Valley Fire
Department
777 San Anselmo Ave
San Anselmo, Ca 94960
Ph. 415-258-4686

FIRE DEPARTMENT PLAN REVIEW

PROJECT: 70 Meernaa Ave
ADDRESS: 70 Meernaa Ave
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Page: 2 of 3
Date: 03/08/2013
Reviewed by: Ruben Martin
(415) 258-4673

TYPE OF REVIEW: PLANNING
Plngg. Dept. 01/16/14 Fire Dept. # 14-0019
Fire Department Standards can be found at: www.rossvalleyfire.org

E-mail: Rmartin@rossvalleyfire.org
Review No. 1

ITEM #	SHEET	COMMENTS	Corr. Made
1		Scope of work for this project was found to fall within the definition of a substantial remodel. A "Substantial Remodel" is defined as follows: The renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
2		A fire sprinkler system shall be installed throughout the entire building which complies with the requirements of the National Fire Protection Association (NFPA) 13-D and local standards. A separate deferred permit shall be required for this system. Plans and specifications for the system shall be submitted by an individual or firm licensed to design and /or design-build sprinkler systems. SHALL BE NOTED AS DEFERRED SUBMITTAL	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
3		A Vegetation Management Plan designed in accordance with Ross Valley Fire Standard #220 is required for this project. A separate deferred permit shall be required for this plan. Please submit directly to the Fire Department for review. SHALL BE NOTED AS DEFERRED SUBMITTAL	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
4		All smoke detectors in the residence shall be provided with AC power and be interconnected for simultaneous alarm. Detectors shall be located in each sleeping room, outside of sleeping rooms centrally located in the corridor and over the center of all stairways with a minimum of one detector per story of the occupied portion of the residence.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
5		Carbon monoxide alarms shall be provided in existing dwellings when a permit is required for alterations, repairs, or addition exceeds one thousand dollars. CO alarms shall be located outside of each dwelling unit	



Ross Valley Fire
Department
777 San Anselmo Ave
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FIRE DEPARTMENT PLAN REVIEW

PROJECT: 70 Meernaa Ave
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Page: 3 of 3
Date: 03/08/2013

Reviewed by: Ruben Martin
(415) 258-4673

TYPE OF REVIEW: PLANNING

E-mail: Rmartin@rossvalleyfire.org

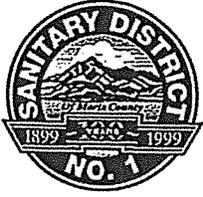
Plngg. Dept. 01/16/14 Fire Dept. # 14-0019

Review No. 1

Fire Department Standards can be found at: www.rossvalleyfire.org

ITEM #	SHEET	COMMENTS	Corr. Made
		sleeping are in the immediate vicinity of the bedroom(s) and on every level of a dwelling unit including basements.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	
6		Address numbers at least 4" tall must be in place adjacent to the front door. If not clearly visible from the street, additional numbers are required. Residential numbers must be internally illuminated (backlit), placed to a light or be reflective numbers. If your project is a new house or substantial remodel, they may only be internally illuminated or illuminated an adjacent light controlled by a photocell and switched only by a breaker so it will remain illuminated all night. If not currently as described, they must be installed as part of this project.	
		Submitter's Response: Correction has been completed. See Sheet ___ of <input type="checkbox"/> Plans <input type="checkbox"/> Calculations.	

*If re-submittal is required, all conditions listed above shall be included in revised drawings.
Fire and life safety systems may require a separate permit. Fire permits may be noted as deferred.*



ROSS VALLEY SANITARY DISTRICT
2960 Kerner Blvd
San Rafael, CA 94901
(415) 259-2949 ~ rvsd.org

RECEIVED
FEB 19 2014
TOWN OF FAIRFAX

Feb 18, 2014

Linda Neal, Senior Planner
Town of Fairfax
Dept of Planning and Building Services
142 Bolinas Road
Fairfax, CA 94930

SUBJECT: 70 MEERNA AVE., FAIRFAX, CA; APN 002-082-02

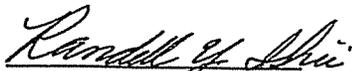
Dear Ms. Neal:

We are in receipt of your transmittal letter received Jan 21, 2014 concerning the above-referenced project. Since this project involves an extensive demolition and rebuild, the project will require a connection permit from the District. The size of the sewer lateral will depend on the fixture count calculated during the permitting process. If the existing lateral meets the size requirement of the fixture count, the applicant has the option of installing a new lateral or, the old sewer lateral needs to be tested in the presence of a District Inspector and found to meet all current District requirements.

Sanitary District No. 1 will place a hold on said property once the building permit is issued. This hold prevents the new building from being released for occupancy until the District's permit and sewer requirements are fulfilled. It is the owner's responsibility to obtain a sewer connection permit from this office and meet all District requirements pertaining to the private side sewer/lateral.

If you need further information regarding this matter, please contact the office.

Sincerely,


Randell Y. Ishii, M.S., P.E.
District Engineer



MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169

www.marinwater.org

January 22, 2014

Service No. 04135

Linda Neal
Town of Fairfax Planning Dept
142 Bolinas Rd
Fairfax CA 94930

RE: WATER AVAILABILITY - Single Family Dwelling
Assessor's Parcel No.: 002-082-33
Location: 70 Meerna Ave, Fairfax

Dear Ms. Neal:

The above referenced parcel is currently being served. The purpose and intent of this service are to provide water to a single family dwelling. The proposed 393 square foot second story addition, creating a new master bedroom, bathroom and laundry closet, will not impair the District's ability to continue service to this property.

Compliance with all indoor and outdoor requirements of District Code Title 13 – Water Conservation is a condition of water service. Indoor plumbing fixtures must meet specific efficiency requirements. Landscape plans shall be submitted, and reviewed to confirm compliance. The Code requires a landscape plan, an irrigation plan, and a grading plan. Any questions regarding District Code Title 13 – Water Conservation should be directed to the Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org.

Should backflow protection be required, said protection shall be installed as a condition of water service. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1559.

If you have any questions regarding this matter, please contact me at (415) 945-1532.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Eischens".

Joseph Eischens
Senior Engineering Technician

JE:mp

cc: Town of Fairfax Building Dept